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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,097	03/30/2001	Guangdian Gordon Wu	068508.0102	9058
23640	7590	12/10/2008	EXAMINER	
BAKER BOTTS, LLP			OSMAN, RAMY M	
910 LOUISIANA			ART UNIT	
HOUSTON, TX 77002-4995			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

debbie.allen@bakerbotts.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/822,097	<b>Applicant(s)</b> WU, GUANGDIAN GORDON	
	<b>Examiner</b> RAMY M. OSMAN	<b>Art Unit</b> 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37, 53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to amendment filed September 24, 2008, where applicant amended claims 1,53. Claims 1-37,53 and 54 are pending.

### ***Response to Arguments***

2. Previous 101 non statutory rejection is withdrawn.

3. Applicant's arguments filed 9/24/2008 have been fully considered and are found to be persuasive. However, a new ground of rejection is presented. Applicants arguments are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5. Claims 1-6,8-10,12-14,33,35-37,53 and 54 rejected under 35 U.S.C. 102(e) as being anticipated by Kawasaki (US Publication No 2001/0011264).**

6. In reference to claims 1,53 and 54, Kawasaki teaches a personal base process on a computer system, a computer program on a computer network, and an information handling system, all respectively comprising:

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a personal base instance on at least one of said nodes on said computer system, said personal base instance being constructed and arranged to communicate with a user (§s 17,29 and Figures 1&4, Kawasaki discloses a “Recognizer” that communicates with a user);

a personal base server on at least one of said nodes on said computer system, said personal base server being constructed and arranged to communicate with said personal base instance and at least one of said nodes of said computer system other than said user (§s 30,37,38 and Figures 1&4, Kawasaki discloses a “Profiler” that communicates with the “Recognizer”); and

wherein: the personal base instance is configured to:

communicate with the personal base server (§ 30, Kawasaki discloses the “Recognizer” communicating with the “Profiler”);

communicate with a plurality of third parties (§s 38-39 and Figure 4, Kawasaki discloses the “Recognizer” communicating with the “Web Service” and “Offer Manager”); and

communicate with the user (§s 17,29 and Figures 1&4, Kawasaki discloses a “Recognizer” that communicates with a user);

wherein:

the personal base instance is configured to communicate with the plurality of third parties through the personal base server (§s 38-39 and Figure 4, Kawasaki discloses the “Recognizer” communicating with the “Web Service” and “Offer Manager”, via the “Profiler”); and

the user does not communicate with the personal base server (Figure 4, Kawasaki discloses the user does not communicate with the “Profiler”).

7. In reference to claims 2 and 3, Kawasaki teaches the personal base process as in claim 1 , wherein said personal base process further comprises a database in functional communication

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with said personal base instance, said database constructed and arranged to store data originating from said personal base instance (§s 34-35).

8. In reference to claims 4 and 5, Kawasaki teaches a personal base process as in claim 1, wherein said personal base process further comprises a database in functional communication with said personal base instance, said database constructed and arranged to provide data to said personal base instance (§s 34-35).

9. In reference to claims 6 and 34, Kawasaki teaches the personal base process as in claim 1, wherein said personal base server has a dedicated medical layer (§s 19,28).

10. In reference to claims 8,10 and 12, Kawasaki teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second instance of a personal base (§s 26,29, this is an inherent teaching within Kawasaki that more than one user can be in communication with personal base).

11. In reference to claim 9, Kawasaki teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second user (§s 26,29).

12. In reference to claims 13 and 14, Kawasaki teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is another software process; and a third party institution (§s 38-39).

13. In reference to claim 33, Kawasaki teaches the personal base process as in claim 1, wherein said personal base has at least one special layer devoted to a specific function (column 41 lines 7-17).

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14. In reference to claim 35, Kawasaki teaches the personal base process as in claim 33, wherein said special layer is devoted to employer information (§s 19,28).

15. In reference to claim 36, Kawasaki teaches the personal base process as in claim 33, wherein said special layer is devoted to scheduling information (§s 19,28).

16. In reference to claim 37, Kawasaki teaches the personal base process as in claim 33, wherein said special layer is devoted to messages (§s 19,28).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 11,15-32 rejected under 35 U.S.C. 102(e) as being unpatentable over**

**Kawasaki et al (US Patent No 6,401,085).**

19. In reference to claim 11, Kawasaki teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second personal server. “Official Notice” is taken that multiple servers can host a single personal base service as is the case when multiple servers are used to host a single website. It would have been obvious for one of ordinary skill in the art to modify Kawasaki wherein said node of said system in communication with said personal base server is a second personal server as is the case when multiple servers are used to host a single website

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20. In reference to claims 15-26, 31 and 32, Kawasaki teaches the personal base process as in claim 1. Kawasaki further teaches wherein said node of said system in communication with said personal base server can be any of a telephone caller; an e-mailer, via a telephone; via a personal computer; via a facsimile; via a personal digital assistant; via a keyboard; via a touch sensitive video screen; via e-mail; via a Web page; via a mobile telephone; via a server computer; via a pager. "Official Notice" is taken that these are all communication devices that are old and well known in the art. It would be obvious to use any of them since they are readily available forms of modern digital communication.

21. In reference to claims 27-30, Kawasaki teaches the personal base process as in claim 1, including where a user is authenticated, and wherein said communication between said personal base instance and said user is authenticated via an identification card; via a smart card; and via a credit card. "Official Notice" is taken that authentication is old and well known in the art. It would be obvious to use any of these identification methods since they are readily available forms of user authentication.

**22. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki et al (US Patent No 6,401,085) in view of Moshfeghi et al (US Patent No 6,076,166).**

23. In reference to claim 7, Kawasaki teaches the base process as in claim 6. Kawasaki fails to explicitly teach wherein said node of said system in communication with said dedicated medical layer of said personal base server is a medical institution. However, Moshfeghi teaches a personalized hospital (medical institution) portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

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It would have been obvious for one of ordinary skill in the art to modify Kawasaki by making the node of said system in communication with said dedicated medical layer of said personal base server is a medical institution as per the teachings of Mashfeghi for the purpose of personalizing medical network accessibility for users.

### ***Conclusion***

24. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

25. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

26. In formulating a response/amendment, Applicant is encouraged to take into consideration the prior art made of record but not relied upon, as it is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Primary Examiner (Temp), Art Unit 2457

December 5, 2008